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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,787	08/28/2003	Rajesh K. Garg	021238-578	5592
21839 7590 08/04/2009 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				
EXAMINER FORTUNA, JOSE A				
ART UNIT 1791		PAPER NUMBER		
NOTIFICATION DATE 08/04/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RAJESH GARG, TONY PHAN,
BRADFORD REYNOLDS and MICHAEL HAWKINS

Application No. 10/649,787
Technology Center 1700

Mailed: August 3, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 27, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

Application No. 10/649,787

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

DECISION ON PETITION

Appellants filed a “REQUEST TO WITHDRAW ADVISORY ACTION OF JUNE 9, 2009” dated June 18, 2008. In response, a “DECISION ON PETITION” was mailed March 31, 2009 granting Appellants request. The decision directed the Examiner to vacate the Advisory action of June 9, 2008 and to reopen prosecution. There is no indication on the record that the Examiner has acknowledged the above granted petition mailed March 31, 2009.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) review and acknowledge the Petition Granted mailed March 31, 2009 as required; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Application No. 10/649,787

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